IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.59/1999

Smt. Kalawati Devi W/o Shri Gopal Lal
...defendant-appellant
Versus
Smt. Chouthi Devi W/o late Shri Bhouri Lal
...plaintiff-respondent

Date of Order ::: 23.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Akhil Simlote, Counsel for defendant-appellant
####

By the Court:-

Heard learned counsel for the appellant.

The plaintiff-respondent filed a suit for eviction in respect of the rented premises, which was decreed by the lower court on the grounds of second default in making the payment of rent, non-user of rented premises and denial of title in respect of the rented property by the defendant. However, on an appeal filed by the defendant, the first appellate court set aside the finding of the lower court in respect of non-user of the rented premises as well as default in making the payment of rent, but affirmed the finding in respect of denial of title of the plaintiff by the defendant.

I have heard learned counsel for the appellant and after considering his submissions, particularly the written statement filed by the defendant, referred by him, in the light of the findings of both the courts below, I find that the question of denial of title in the facts and circumstances of the present case is purely a question of fact and there is concurrent finding of facts by both the courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed in limine.

(Narendra Kumar Jain) J.

//Jaiman//